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September 27, 2004

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**VIA FACSIMILE AND FEDEX**

Monterey County Board of Supervisors  
240 Church Street  
East Wing, Room 226  
Salinas, CA 93901

**Re: Agenda Item S-14 - Appeal of Coastal Development Permit  
(PLN030620/Julia Pfeiffer-Burns State Park)**

To the Members of the Monterey County Board of Supervisors:

At two separate hearings, this Board has directed the California Department of Parks and Recreation ("State Parks") to develop a restoration plan for the removal of the trees that it cut down and pushed over the cliffs of Big Sur. State Parks has twice ignored that request.

Rather than develop such a plan, State Parks now asks the Board to approve an after-the-fact permit and leave the details to be worked out later. Such a request is an affront to this Board and to County staff, who have already spent an extensive amount of time and resources dealing with the mess State Parks created. Moreover, such a premature approval, without a restoration plan, would violate the law.

According to the County's Coastal Implementation Plan, restoration plans must be submitted and approved "prior to the commencement of restoration and the plan shall include a time period to ensure re-establishment of the soil or vegetation." CIP at § 20.90.130. In fact, no further work on a project can proceed "until restoration has been implemented on that property." Id. Nevertheless, rather than submit such a plan and obtain such an approval, State Parks asks you to rely upon old documents that propose leaving the felled trees on the cliff face. To fix that problem, one paragraph and one sentence that refer to leaving the trees on the ground have been crossed out with a pen. Nothing new has been prepared or added.

State Parks not only appears to be asking for preferential treatment, it appears to expect preferential treatment. The evidence is mounting. First, your staff has already told you that both it and the California Coastal Commission asked State Parks for specific information *before* the original tree cutting commenced. For example, the initial planner for the project explained in testimony to the Board on August 24, 2004 that he had repeatedly asked State Parks for more

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information about the trees proposed for removal and the butterfly habitat at the location. He testified that State Parks ignored those requests, as well as the requests from the Coastal Commission, and went ahead with felling the trees. Second, your staff has told you that it did not know State Parks was proposing to cut trees on slopes in excess of 30% and to drop the massive trunks down the cliffs through seacliff buckwheat. Now, State Parks expects you to trust it once again without providing details. Third, you have demanded that State Parks provide a plan for cleaning up its mess. State Parks is telling you it doesn't have the time.

State Parks' project is not in a position to proceed. Potential endangered species habitat remains unexamined, clean-up and restoration methods remain unexplained, and environmental impacts remain unaddressed.<sup>1</sup> At the risk of redundancy, we remind you that no other person could get away with this.

Respectfully submitted,

STOEL RIVES LLP

By: \_\_\_\_\_

  
JOHN BRISCOE

Counsel for Appellants Friends of the Big Sur  
Coast and Joseph P. Schoendorf

JB:WMS:gsb

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<sup>1</sup> The inadequacies are numerous. No legible site plans identify where downed trees are, what areas are to be restored, or where more trees will be felled. Nothing explains how the rest of the work (Phase 2) will be conducted. Condition #10 mentions an erosion control plan as reviewed. We have seen a 2 page "plan" that contains general comments, but no specifics, and no plan at all beyond a project location map. Condition #10 goes on to mention "improvement plans shall include an implementation schedule of measures..." What plans? What schedule?



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cc: Monterey County Counsel (via FedEx)  
California Coastal Commission—Enforcement Specialist Nancy Cave (via FedEx)  
California Regional Water Quality Control Board/Central Coast Region—Executive  
Officer Roger W. Briggs (via FedEx)  
California State Lands Commission—Public Land Manager David Plummer (via FedEx)  
California Department of Fish and Game—Chief of Enforcement Tom Pedersen (via FedEx)  
United State Army Corps of Engineers—Regulatory Branch Chief Calvin Fong  
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